

REMARKS

The Office Action mailed on May 21, 2004 has been received and its contents carefully reviewed. By the above Amendment, Applicants amended claims 7 and 12 to recite in more detail the features and limitations of the present invention. The specification supports these amendments to the claims throughout, and especially on pages 5-6, 19, 23, 27, 29, and 35. Claims 1-17 are now pending in the application. Applicants respectfully submit that no new matter is presented by entry of this Amendment and that the application is in condition for allowance.

A. Previous Communications

Applicants appreciate the Examiner's consideration of Amendments and Remarks previously submitted and acknowledge the Examiner's previous objection to claim 7 was overcome as a result of the Amendment and Remarks filed on February 12, 2004. Applicants appreciate the Examiner's acknowledgement that the drawings filed on July 11, 2001, are acceptable.

B. Claim Rejections under 35 U.S.C. § 102

Claim 17 stands rejected under 35 U.S.C. § 102, as being anticipated by Conklin in U.S. Patent No. 6,141,653 (the '653 patent) as indicated on page 3 of the May 21, 2004, Office Action. In view of the amendments above and the remarks below, Applicants respectfully request reconsideration and withdrawal of this rejection.

The present invention is generally directed to a business-to-business apparatus and method where vendors and buyers search out potential business partners through a searchable on-line directory and contact each other with requests for proposals, quotations, or additional information through the creation of a web community composed of Partner or Private Label Web sites. The co-branded Partner or Private Label Web sites can be managed through a partner-accessible Extranet. Significantly, the web community can facilitate interaction between buyers and sellers, where vendors of products are contacted with requests for information leading to an on-going relationship between the buyer and seller. Information can be exchanged through the business-to-business web community by offering more than street address and phone number contact information to interested subscribers.

For example, amended claim 17 recites a method for connecting buyers and sellers of products and services by maintaining a comprehensive on-line directory of sellers, providing a request for proposal application for integration into a Web site of a partner, and co-branding the request for proposal application. The invention then maintains a searchable directory of companies for the partner while providing an e-commerce infrastructure, markets the partner's private-labeled web site, and provides usage and revenue reports that detail usage on the private-labeled web site.

The '653 patent, on the other hand, focuses on a multivariate negotiations engine where a seller in a community may create a web site and incorporate its corporate logos and descriptions to provide a quick start-up for online commerce (see column 14, line 66 to column 15, line 6). The Examiner refers to column 19, lines 1-6 and lines 24-27 of the '653 patent to show brand identification and equates this to the co-branding of the request for proposal application recited in claim 17 of the present application. However, the '653 patent fails to disclose co-branding a request for proposal application and also fails to disclose integration of the co-branded request for proposal application into a partner's Web site.

Instead, the '653 patent appears to disclose remote web authoring to facilitate a seller's start-up (see column 14, line 66 to column 15, line 6). Specifically, the '653 patent teaches away from integration of co-branded requests for proposals by emphasizing that the "Use of the Internet architecture helps both sponsors and participants keep their *separate brand identifications* through their individual URLs and Websites, and the use of http addressing and protocols enables near-instantaneous pulling of text and object files in response to any queries..." (emphasis added). Please see column 19, lines 1-5. While the '653 patent additionally discusses remote web authoring using Website format templates where a seller "fills in the blanks" in a selected template, the authoring function is directed to Web sites and not to requests for proposals as required by claim 17 of the present invention (see column 20, lines 5-19). There is no discussion in the '653 patent of co-branding requests for proposal applications. This important feature, as recited in claim 17 of the present invention, provides a uniform manner with which to solicit and receive detailed proposal information in a common format to facilitate evaluation of the many and complicated responses to requests for proposals. With a common, co-branded request for proposal, a buying partner may objectively evaluate and weigh the many terms of sale that are part of the sellers' proposals. Providers, that is sellers, who receive the co-branded requests for

proposals know instantly that the request for proposal is from a particular family of buyers, since the request for proposal has the similar appearance and distinctive look-and-feel as previous requests. The '653 patent, in contrast, does not provide for a co-branded request for proposal application but merely indicates that buyers may propose negotiations of order terms based on seller's catalog and price lists or may send out a request for proposal to sellers in the community (see column 20, lines 24-30).

Applicants respectfully submit that the '653 patent does not disclose each element of claim 17 of the present invention. Anticipation is established only when a single reference discloses, either expressly or under the principles of inherency, each and every element of the claimed invention. Therefore, the '653 patent cannot and does not anticipate claim 17 of the present invention under 35 U.S.C. § 102. Applicants respectfully submit that claim 17 is allowable over the cited reference and request that the rejection of claim 17 under 35 U.S.C. § 102 be withdrawn.

C. Claim Rejections under 35 U.S.C. § 103

Claims 1-16 stand rejected under 35 U.S.C. § 103, as being unpatentable over Conklin in U.S. Patent No. 6,141,653 in view of Musk et al. in U.S. Patent No. 5,944,769 (the '769 patent) as indicated beginning on page 3 of the May 21, 2004 Office Action. In view of the amendments provided above and the comments below, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 1 recites an apparatus connecting buyers and sellers of products and services comprising a comprehensive directory of companies, a user-maintained database of registered and subscribing companies selected from the comprehensive directory, and service-brokering tools for interacting with the directory of companies and user-maintained database of companies. The service-brokering tools comprise registering means for buyers and sellers to subscribe to the user-maintained database, contacting means for buyers and sellers to contact subscribing members of the user-maintained database over a network, searching means for the buyers and sellers to search the directory and the user-maintained database based on geographical boundaries, assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller, ordering means for ranking buyers and sellers according to the weighted importance of provider characteristics stored in the user-maintained database, and branding means for defining visual attributes, geometric

layouts, graphical layouts, textual layouts, interface elements, and logical design elements that can be used to dynamically generate a branded Web site.

In contrast, the '653 patent appears to discuss a multivariate negotiations engine where a seller in a community may iteratively bargain to negotiate terms and conditions of a transaction with members of the participant community (see column 14, lines 1-5 and lines 27-31). The Examiner refers to column 20, lines 23-34; column 23, lines 59-67; column 26, lines 33-38; column 28, lines 59-65; column 33, line 6; and column 43, line 65 of the '653 patent to show participant functions ranging from simple proposals to negotiating order terms based on a seller's catalog and price lists to requests for proposals to a request for a quote (see column 20, lines 23-29) and equates this to the assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller recited in claim 1 of the present application.

The additional passages cited in the Office Action provide no additional disclosure of assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller. Column 23, lines 59-67 simply recites, "For simple order processing, the seller may be designated the deciding entity by default. For an RFP, the buyer might be designated the deciding entity. In non-commercial communities, such as standards communities or treaty negotiation communities, a sponsor 06 may wish to designate multiple deciding entities for each issue under consideration. In such an implementation, a sponsor 06 will usually want to establish more detailed rules for the ordering and processing of proposals." Similarly, no denoting of a weighted importance to provider characteristics is disclosed in the other cited passages. While the '653 patent appears to discuss a number of factors that may be important when considering business transaction partners, the '653 patent fails to disclose the function of denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller as recited in claim 1 of the present application. It is well-accepted that a reference cannot anticipate a claimed means element unless it discloses function identical to the claimed function. Therefore, the '653 patent does not disclose the claimed assigning means.

Additionally, just as the '653 patent fails to disclose assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller, the '653 patent then fails to disclose the function of ranking buyers and sellers according to the weighted importance of provider characteristics stored in the user-

maintained database and thus does not disclose the claimed ordering means. If the weighted importance values are not assigned by some means, an ordering of importance cannot occur. The passages cited in the Office Action appear to describe processes categorized as being used to search and evaluate transaction partners, but in no way is an ordering means disclosed. For example as cited in the Office Action, column 19, lines 58-66 disclose, “Buyer processes shown in FIG. 1g include search and evaluate processes 70, which enable a prospective buyer to find companies and their products in the community and investigate their prices, terms and service offerings. If a buyer is interested in opening negotiations with a particular seller, the propose orders processes can be based on catalog prices or desired price and other terms, special orders for samples or small quantities, proposed payment vehicles, and can include information about the buyer.” Similarly, no discussion of ordering means may be found in the other cited passages as well.

The ‘769 patent fails to cure the deficiencies of the ‘653 patent. The ‘769 patent generally discloses an interactive network directory service with maps and directions (see column 1, lines 29-31). However, the ‘769 patent fails to disclose either an assigning means denoting a weighted importance or an ordering means for ranking buyers and sellers according to the weighted importance as required by claim 1. Therefore, the ‘769 patent fails to cure the deficiencies of the ‘653 patent. Applicants respectfully submit that the cited references, both individually and collectively, fail to disclose all the elements and limitations recited in independent claim 1 of the present application. Further, neither the ‘653 patent nor the ‘769 patent provide or suggest a motivation for one of ordinary skill in the art to combine any of the features and limitations of the associated references to arrive at the recited features and limitations of claim 1 of the present invention for connecting buyers and sellers of products and services. No suggestion or rationale, absent Applicants’ teachings, for deviating from the discrete systems of the individual references is evident. In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a reference or to combine references to arrive at the claimed invention. Resort to Applicants’ disclosure for such a reason is impermissible hindsight. The requisite motivation must stem from some teaching, suggestion, or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art.

For these reasons, the Examiner fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Applicants respectfully submit that claim 1 is allowable over the cited references and request that the rejection of claim 1 under 35 U.S.C. § 103 be withdrawn.

Claims 2-6 are dependent upon claim 1 and thereby include all the limitations of independent claim 1 while reciting additional features of an apparatus of the present invention. Applicants respectfully traverse the rejection of claims 2-6 for similar reasons as outlined above with regard to the rejection of claim 1 under 35 U.S.C. § 103. As discussed above, the cited references, both individually and collectively, fail to disclose all the elements and limitations recited in independent claim 1 of the present application.

Additionally, for example with regard to dependent claim 2, the cited references, both individually and collectively, fail to disclose an internal mechanism for a web server to infer a private label interface from an initial network request of a registered and subscribing company. Instead, the cited passage from the '653 patent discloses, "Promotion and brand identifying actions (such as registering the Web page with search engines) are taken automatically on behalf of the seller as well (see column 19, lines 24-27). No mention is made of private label interfaces, nor of internal mechanisms inferring private label interfaces from initial network requests. Instead, the cited passage deals with tagging the web site with metadata so it may be located by search engines.

Similarly with regard to dependent claim 3, the references fail to disclose service-brokering tools where a partner object that can persist and cache the private label interface information for a Web server by loading taxonomies specific to individual user-maintained databases.

Further with regard to dependent claim 4, the references fail to disclose an apparatus with service-brokering tools where the service-brokering tools further include objects that can be used to generate private label interface-specific HTML where the object specifies the location of a request for proposal.

Likewise with regard to dependent claim 5, the references fail to disclose an apparatus with service-brokering tools where the service-brokering tools further include a mechanism to publish a pending Partner record to an active record and inform all servers within a qualified farm of load-balanced Web servers to re-load the active record in response to a posting of a new request in a qualified server's category.

Also with regard to dependent claim 6, the references fail to disclose an apparatus where the service brokering tools include a mechanism to publish a pending Partner record to an active record and inform all servers within a qualified farm of load-balanced Web servers to re-load the active record in response to a posting of a new request in a qualified server's category.

For these reasons, the Examiner fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Applicants respectfully submit that dependent claims 2-6 are allowable over the cited references for the reasons discussed above with regard to independent claim 1 and also for the reasons outlined above with regard to the specific dependent claims. Applicants respectfully request that the rejection of claims 2-6 under 35 U.S.C. § 103 be withdrawn.

Amended claim 7 recites an apparatus connecting buyers and sellers of products and services comprising means for sharing requests for proposals that allow buyers and sellers to supply, access, and respond to the requests for proposals by distributing said requests for proposals to predefined subscribers based upon a hierarchical set of categories selected and assigned to said requests for proposals when said requests for proposals are created.

Similarly, claim 12 recites a method for connecting buyers and sellers of products and services utilizing the apparatus of claim 7. Claims 7 and 12 further recite means and a method for geographic radius searching that allow the buyers and sellers to search the requests for proposals within specified geographic boundaries and means for partner web site branding that allow the buyers and sellers to form a community to facilitate the sharing of said requests for proposals and to publish modifications made to said requests for proposal.

Conversely, the '653 patent appears to discuss a multivariate negotiations engine where a seller in a community may iteratively bargain to negotiate terms and conditions of a transaction with members of the participant community (see column 14, lines 1-5 and lines 27-31). The Examiner refers to column 20, lines 23-34; column 25, lines 6-11; and column 25, line 41 to column 26, line 10 of the '653 patent to show participant functions ranging from simple proposals to negotiating order terms based on a seller's catalog and price lists or requests for proposals to a request for a quote (see column 20, lines 23-29) and equates this to the sharing requests for proposals where the means for sharing requests for proposals allows the buyers and sellers to supply, access, and respond to the requests for proposals by distributing said requests for proposals to predefined subscribers based upon a hierarchical set

of categories selected and assigned to said requests for proposals when said requests for proposals are created.

However, the '653 patent fails to disclose distributing the requests for proposals to predefined subscribers based upon a hierarchical set of categories selected and assigned to the requests for proposals when the requests for proposals are created. Nowhere in the '653 patent is this limitation disclosed, nor is there and discussion of a hierarchical set of categories from which to base an analysis or distribution of the requests for proposals. The cited passages of the '653 patent, instead, describe whether the buyer or seller or both parties are the negotiating entity (see column 25, lines 6-11). The '653 patent further describes an email alert that is sent to notify a seller that a proposal is available on the system, but no discussion of distributing the requests for proposals to predefined subscribers based upon a hierarchical set of categories assigned to the requests for proposals when the requests for proposals are created (see column 25, line 41 to column 26, line 10).

The '769 patent fails to cure the deficiencies of the '653 patent. The '769 patent generally discloses an interactive network directory service with maps and directions (see column 1, lines 29-31). However, the '769 patent fails to disclose means for sharing requests for proposals, let alone means for sharing requests for proposals where the means for sharing requests for proposals allows the buyers and sellers to supply, access, and respond to the requests for proposals by distributing said requests for proposals to predefined subscribers based upon a hierarchical set of categories selected and assigned to said requests for proposals when said requests for proposals are created. Therefore, the '769 patent fails to cure the deficiencies of the '653 patent. Applicants respectfully submit that the cited references, both individually and collectively, fail to disclose all the elements and limitations recited in independent claims 7 and 12 of the present application. Further, neither the '653 patent nor the '769 patent provide or suggest a motivation for one of ordinary skill in the art to combine any of the features and limitations of the associated references to arrive at the recited features and limitations of claims 7 and 12 of the present invention for connecting buyers and sellers of products and services. No suggestion or rationale, absent Applicants' teachings, for deviating from the discrete systems of the individual references is evident. In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a reference or to combine references to arrive at the claimed invention. The requisite motivation must stem

from some teaching, suggestion, or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art.

For these reasons, the Examiner fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Applicants respectfully submit that claims 7 and 12 are allowable over the cited references and request that the rejection of claims 7 and 12 under 35 U.S.C. § 103 be withdrawn.

Dependent claims 8-11 and 13-16 are dependent upon claim 7 and claim 12, respectively, and thereby include all the limitations of independent claims 7 and 12, respectively, while reciting additional features of the present invention. Applicants respectfully traverse the rejection of claims 8-11 and 13-16 for similar reasons as outlined above with regard to the rejection of claims 7 and 12 under 35 U.S.C. § 103. As discussed above, Applicants respectfully submit that the cited references, both individually and collectively, fail to disclose all the elements and limitations recited in independent claims 7 and 12 of the present application. Therefore, the applied references fail to disclose all the features and limitations of claims 8-11 and 13-16 as well.

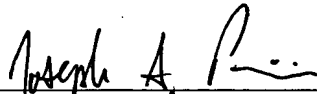
Accordingly, Applicants respectfully submit that claims 8-11 and 13-16 are allowable by virtue of their dependency upon claims 7 and 12 as outlined above. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8-11 and 13-16 under 35 U.S.C. § 103.

D. Conclusion

In view of the above amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application and the timely allowance of the pending claims.

Respectfully submitted,

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